



STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LIQUOR CONTROL COMMISSION

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In the matter of the request of	)	
<b>HAWKS UP NORTH, INC.</b>	)	
12390 N. Black River	)	Request ID No. 632799
Ironwood, Michigan 49938	)	
	)	
Ironwood Township     Gogebic County	)	
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At the October 9, 2012 hearing of the Michigan Liquor Control Commission  
(Commission) in Lansing, Michigan.

PRESENT:    Andrew J. Deloney, Chairman  
                 Teri L. Quimby, Commissioner  
                 Dennis Olshove, Commissioner

**LICENSING APPEAL ORDER**

On January 31, 2012, Hawks Up North, Inc. (applicant) filed a request to transfer ownership, under MCL 436.1529(1), of an escrowed 2011 Resort B-Hotel license issued under MCL 436.1531(3), pursuant to the qualifications in administrative rule R 436.1123(1)(b), with Sunday Sales Permit (P.M.) and Dance Permit from Anderson Enterprises of Michigan, Inc. located at the above-noted address. The license and permits were renewed for the 2012-2013 licensing year on April 24, 2012.

This Resort B-Hotel license was issued under MCL 436.1531(3) and has remained at the original location for which it was licensed, as required under MCL 436.1531(8), which the Commission has determined is in an area designed to stimulate and promote the resort and tourist industry. In addition, a resort license that allows the consumption of alcoholic liquor on the premises shall meet the minimum qualifications of licensure under administrative rule R 436.1123(1).

At a meeting held on August 15, 2012, the Commission denied the applicant's request after concluding that the proposed business no longer meets the criteria of licensure under administrative rule R 436.1123(1)(a), administrative rule R 436.1123(1)(b) and administrative rule R 436.1001(i).

Applicant stockholder, David Hawkinson, submitted a timely request for an appeal in this matter and represented the applicant at the October 9, 2012 hearing, held at the Commission's Lansing office.

The Commission finds that the licensing history for this license indicates that this location was previously licensed with less than 20 rental rooms, as authorized in Section 2 of Public Act No. 8 of Public Acts Extra Session 1933. Further, the additional, rentable rooms currently demonstrated by the applicant were previously included for this hotel at a later point in time. The Commission finds that the applicant has demonstrated that the proposed licensed establishment has sleeping facilities with a minimum of 26 bedrooms.

Further, the Commission finds that the investigation conducted by the Commission's Enforcement Division indicates that the establishment contains meeting or conference room seating available for not less than 200 persons as required under administrative rule R 436.1123(1)(b). The Commission therefore finds that the applicant meets one or more of the requirements under administrative rule R 436.1123(1).

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof under MCL 436.1201(2).

The applicant is authorized to do business in Michigan, as required under MCL 436.1535 for licensure. Under MCL 436.1537, the licensee may sell beer, wine, mixed spirit drinks, and spirits for consumption on the premises and in the rooms of bona fide registered guests.

The Commission finds sufficient reasons to reverse its denial issued in this matter and approve the applicant's request for reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of August 15, 2012 issued in this matter is reversed and the applicant's request is APPROVED, subject to the following:

1. The licensee shall pay all license fees by April 30<sup>th</sup> each year pursuant to administrative rule R 436.1107.
2. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
3. The licensee shall provide proof of financial responsibility providing security for liability as required under MCL 436.1803. Failure to maintain proof of financial responsibility providing security for liability will result in the immediate suspension of the subject license and permits until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.
4. The licensee shall provide documentary proof to the Commission to demonstrate that, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served have successfully completed a server training program approved by the Commission as required under MCL 436.1501(1), within 180 days from the issuance of the license and permits, as provided in administrative rule R 436.1060.
  - a. The licensee shall maintain active certification of completion for server training on the licensed premises at all times as provided in administrative rule R 436.1060.
  - b. Failure to provide this documentary proof to the Commission within 180 days of the issuance of the license and permits shall result in the licensee being charged with failure to comply with this order, under administrative rule R 436.1029, which may result in fines, suspension and/or revocation of the license and permits.

B. Hawks Up North, Inc. shall continue to maintain the availability for rental of not less than 25 bedrooms available at all times the business is open in order to continue to qualify for B-Hotel licensure.

C. In the event Hawks Up North, Inc. goes out of business, the Resort B-Hotel license must be surrendered to the Commission as required under MCL 436.1531(8).

D. The applicant's request to transfer the existing Sunday Sales Permit (P.M.) is APPROVED, subject to the following:

1. A reference to the time of day includes daylight savings time, when observed.
2. This permit is subject to revocation by operation of law or otherwise if the Commission receives notice from a county, city, village or township that it prohibits the sale of spirits, mixed spirit drink, or beer and wine during the time authorized by this permit.

E. The applicant's request to transfer the existing Dance Permit is APPROVED, subject to the following:

1. Issuance of this Dance Permit under MCL 436.1916(2) does not allow the licensee to have topless activity on the licensed premises.
2. The licensee must have a well-defined and clearly marked dance floor that is 100 square feet or larger under administrative rule R 436.1415 and the licensee is prohibited from having tables, chairs, or other obstacles on the dance floor while customers are dancing.

F. That the utilization of glass containers, glass bottles or glassware of any kind by patrons in the area surrounding the swimming pool is prohibited.

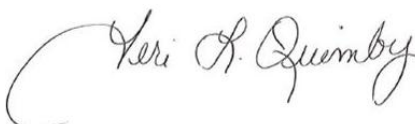
G. Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of the license and permits by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee shall obtain all other required state and local licenses, permits, and approvals before selling or serving alcoholic liquor.

H. Failure to comply with all requirements of licensure in the State of Michigan will result in the licensee being charged with a violation of the Michigan Liquor Control Code, MLCC Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the license and permits.



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Andrew J. Deloney, Chairman



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Teri L. Quimby, Commissioner



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Dennis Olshove, Commissioner



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Prepared by:  
Terri Chase, Commission Aide

Date Mailed: \_\_\_\_\_